

SEPTEMBER 12, 2006

**CITY OF GUNNISON COUNCIL
REGULAR SESSION MINUTES**

7:00 P.M.

The Regular Session was called to order at 7:00 P.M., by Mayor Ferguson with City Councilors Houck, Harriman, and Miller present along with City Attorney Landwehr, Acting City Manager Bradford, City Clerk Davidson, Community Development Director Westbay, Finance Director Hanson, Parks & Recreation Director Ampietro, several interested citizens and the press. City Manager Coleman was out of town at a meeting. Councilor Nesbitt was late to the meeting.

Consideration of Minutes:

Regular Session Minutes of August 22, 2006.

Councilor Miller moved and Councilor Harriman seconded the motion to approve the Regular Session Minutes of August 22, 2006, as submitted.

Roll call vote, yes: Houck, Harriman, Miller. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Ferguson, was not in attendance at the meeting.

Unfinished Business:

Acceptance of 2005 City Audit. Finance Director Hanson addressed Council. Dean Johnson, the City Auditor, was not present. Director Hanson and the auditor are still verifying some of the numbers in the budget. She passed out a new General Fund Revenue & Expense sheet and reviewed some of the information. The General Government expenditures are \$280,830 over budget because the General Fund and the Insurance Fund are combined. When claims are larger than the premiums, an unfavorable variance is reflected. The Culture and Recreation line is over budget due to the Community Center operations and associated new recreation programs costs. This was the first year the Community Center operation was in the budget and the initial expenses were projections without previous background information. Director Hanson hopes to have the final audit in two weeks.

Councilor Nesbitt arrived at the meeting.

SEPTEMBER 12, 2006

PUBLIC HEARING

7:15 P.M.

Receive Public Input on ZA-06-6; An Application from Gunnison County to Rezone the Courthouse Square Property, 200 East Virginia Avenue in Gunnison, from C (Commercial) to PUD-C (Planned Unit Development – Commercial Overlay).

Mayor Ferguson stated the reason for the Public Hearing (listed above) and asked the City Clerk for proof of publication, and that was provided. Community Development Director Westbay reviewed the recommendation from the Planning & Zoning Commission and Staff recommendations. Director Westbay reviewed the following: the proposed jail expansion with its subsequent parking requirements is the driving factor for the application; the County and City continue to pursue additional parking spaces in the Courthouse and downtown parking areas through an Intergovernmental Agreement or Memorandum of Understanding between the City and the County; an existing sewer line may need to be relocated by the County; both City and County staff have worked together and have determined a Planned Unit Development designation is the most appropriate designation for the proposed use of the Courthouse; the proposed building would not exceed 45 feet in height; the inclusion of architectural elements to break-up the building mass; and the existing uses of the Courthouse (government facilities, professional office, jail, accessory jail uses and commercial parking) would not be changed by the County and all other uses would be prohibited. Director Westbay further reviewed the existing and proposed parking requirements. Based on the submitted PUD site plan, 43 parking spaces are being proposed. It is estimated the proposed jail expansion itself will generate the need for approximately five additional parking spaces.

Mayor Ferguson then asked the applicant for testimony. County Commissioner Paula Swenson and County Planner Mike Pelletier addressed Council. They concur with Staff and the Planning & Zoning Commission that the PUD-C designation is best way to go in this case. The County agrees there are parking issues with the entire Central Business District zone and will continue to work with the City to find solutions to that problem.

Mayor Ferguson called for public input. Carl Moyer, a County resident but downtown business/property owner, addressed Council. He is concerned about the lack of downtown parking. There is not enough parking now and is concerned about additional demands if the jail

is constructed as proposed. He would like to see additional parking included in the plan and the application should be denied because of the parking problem.

Lisa Chase, Gunnison resident, stated she lives across the street from the Courthouse and the proposed jail is at her front door. The parking isn't adequate now and the proposed design isn't good on a residential street such as Taylor Street. It is a big commercial mass. She doesn't want to look at big garage doors where the transports will take place. Construction will be horrific and there needs to be more research. She feels property values will be adversely affected and there needs to be more research.

Richard Karas, Gunnison County resident; stated all comments are valid. He does business at the Courthouse and he's never had much of a problem finding a parking space. The new design does include more parking and parking in the Central Business District is a separate problem. The drawings and designs are not final at this time and the garage doors or sally ports could possibly be moved to the south side of the facility. No one can predict what will happen to property values but the present jail facility is unsightly and not very secure for the neighborhood. Mr. Karas, a member of the Detention Facility Committee, showed Council and the audience the latest drawing of the proposed facility.

City Attorney Landwehr clarified the application for rezoning is the issue being addressed at this Public Hearing not the design of the facility.

Ralph "Butch" Clark, Gunnison resident, stated he would like to connect the parking problems at the Courthouse and in the CBD with a transportation loop around the community. There could be transportation to the facility from remote areas and this could address future parking problems.

Mayor Ferguson called for any further testimony and hearing none, closed the Public Hearing at 7:27 P.M.

Pre-Scheduled Citizens:

Gunnison County Detention Facility Committee Members – Update on Ballot Proposal. Committee Co-Chairs Fred Field and Gary Hausler addressed Council. The Committee has been meeting since January and looked at various sites, design concepts and budgeting mechanisms. Committee consensus was to locate the facility on the southeast corner of the existing Courthouse. The longer the project waits the higher the cost will be. The proposed bond issue will be paid back over 15 years with a 28% cost savings to commercial and residential property owners over the last proposal with the County contributing \$900,000 in revenue. Additional parking lots would escalate the costs by approximately a quarter of a million dollars. This proposal is a no frills plan with no extra costs for meeting rooms. It's a straight "jail" issue and is not an open-ended mil levy like the last proposal. It will retire at the end of the bond payment. Mr. Field asked the City to pass a resolution in support of the Jail Ballot Initiative on the November 7, ballot.

Councilor Nesbitt asked how many prisoners have been on INS holds. Sheriff Rick Murdie, who was in attendance, answered that over the past year, out of a total of 601 prisoners, 26 have been INS holds or roughly 3%. This is fairly consistent year to year. Councilor Nesbitt asked if a parking/transportation study was conducted. Richard Karas, Committee member, answered that these factors were investigated related to detention facilities. Factors considered were staffing, deliveries and visitors. Staff will increase by 1 or 2 deputies. Parking would be minimal for these jobs. Deliveries would include more "stuff" delivered but the number of delivery trucks probably won't increase. This would be a minimal impact. As the jail population increases, visitors would increase as well, however, this increase will take place whether the jail is expanded or not. Parking needs to be increased in the entire area. If a jail is built off-site, more transport will be required to bring prisoners to the courtrooms. The consulting architect provided transportation/parking information to the committee. Mr. Butch Clark shared a US Department of Justice Study on designing detention facilities for smaller communities. The study contains information on parking and transportation issues. He will get a copy to the Clerk's office for distribution to Council.

Councilor Harriman asked Mr. Hausler to explain how costs were kept down for taxpayers. Mr. Hausler stated the County is committing \$900,000 over four years to hold the amount to be bonded down. This will reduce the total cost by lowering the total interest paid over the term of the bonds. The principal will be paid down earlier. Councilor Miller reminded everyone that it is still taxpayer money whether it comes from one tax source or another.

New Business:

Action on Intergovernmental Agreement with Gunnison County to Conduct Household Hazardous Waste Program. City Attorney Landwehr stated he would like to see the City's commitment of the budgeted \$10,000 reflected in the Intergovernmental Agreement. This could be a "not to exceed" clause.

Councilor Miller moved and Councilor Harriman seconded the motion to approve the revised Intergovernmental Agreement with Gunnison County to Conduct a Household Hazardous Waste Program in an amount not to exceed \$10,000 contributed by the City of Gunnison and authorize the Mayor to sign said Agreement.

Roll call vote, yes: Harriman, Ferguson, Miller, Nesbitt, Houck. So carried.

Roll call vote, no: None.

Action on Approval of Recreation Tax Survey Letter and Authorize Mayor's Signature on Said Letter. Parks & Recreation Director Ampietro informed Council there will be some minor wordsmithing changes to the letter that will go out with the survey. If Council is comfortable with the Mayor reviewing the final letter prior to his signature, he is asking for approval of the letter this evening.

Councilor Miller moved and Councilor Nesbitt seconded the motion to approve the Recreation Tax Survey letter and to authorize the Mayor to sign said letter upon his final review.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Houck, Harriman. So carried.

Roll call vote, no: None.

Action on Appointment of Alternate City Attorney. Acting City Manager Bradford stated this item was discussed at last week's Work Session. Ms. Fogo's services would be utilized when the City Attorney has a conflict of interest or is absent from the City.

Councilor Miller moved and Councilor Nesbitt seconded the motion to appoint Kathy Fogo as the alternate City Attorney to serve when the City Attorney has a conflict of interest or is absent from the City.

Roll call vote, yes: Miller, Nesbitt, Houck, Harriman, Ferguson. So carried.

Roll call vote, no: None.

Ordinance and Resolutions:

Ordinance No. 11, Series 2006; Re: Rezoning Block 14, Original Gunnison, from C (Commercial) to PUD-C (Planned Unit Development – Commercial) and Amending the Official Zoning Map of the City of Gunnison, 1st Reading..

Councilor Houck recused himself from the meeting as he was a Planning & Zoning Commissioner and had previously voted on this item.

Councilor Harriman introduced Ordinance No. 11 Series 2006, and it was read by title only by the City Attorney.

Councilor Harriman moved and Mayor Ferguson seconded the motion that Ordinance No. 11, Series 2006, **AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF BLOCK 14, ORIGINAL GUNNISON, ACCORDING TO THE RECORDED PLAT THEREOF, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO, FROM C (COMMERCIAL DISTRICT) TO PUD-C (PLANNED UNIT DEVELOPMENT - COMMERCIAL), AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF GUNNISON, COLORADO**, be introduced, read, passed and ordered published on first reading this 12th day of September, 2006.

Mayor Ferguson called for discussion.

Councilor Miller asked Director Westbay if this rezoning is just about parking and how the Planning Commission handled the issue of increasing a non-conforming situation. Director Westbay stated pretty much as well as historic use of the facility. Parking is really driven by the Court facilities, such as when large jury pools are called. There is an existing problem but that's not really an issue with the jail facility. County Commissioner Swenson stated to meet the parking requirements, the west lawn of the Courthouse would have to be utilized for parking. They are trying to keep some traditional aesthetic look to the Courthouse and the PUD-C is more flexible in allowing for lesser parking.

Director Westbay explained to Councilor Nesbitt that there is not a direct ration between increased building area and the number of parking spaces required. This is based on facility use. Councilor Nesbitt stated he is concerned about no parking or traffic studies being done. Director Westbay pointed out that any changes in use at the facility would require another application by the County. Councilor Nesbitt further asked what LEED stands for. It stands for Leadership in Energy and Environmental Design.

Councilor Miller asked if the County received public input on the parking issues. Lisa Chase, neighborhood resident, stated she was never approached to give input. Councilor Harriman stated all committee meetings were open to the public and there were some comments by area residents. County Commissioner Hap Channell informed Council that a parking study was done for last year's ballot proposal. Commissioner Swenson stated that everyone agrees there is a parking problem in downtown Gunnison. She asked if it is this Council's political will to have the County turn the green space on the west side of the Courthouse into a parking lot or go with the PUD-C and Intergovernmental Agreement to work together to solve the public parking issues.

Mayor Ferguson stated the issue was heard in-depth by the Planning Commission, they developed their findings of fact and he places a great deal of respect for the Commission for their work and decisions. The issue was considered carefully prior to it coming to Council.

Councilor Miller stated he is voting with reservation and feels there was not enough mitigation work done and parking is woefully lacking.

Roll call vote, yes: Harriman, Ferguson, Miller.

Roll call vote, no: Nesbitt.

Councilor Houck returned to the meeting.

Resolution No. 8, Series 2006; Re: Authorizing the City to Remain a Total Requirements Purchaser Under Schedule M of the Total Power Requirements Power Purchase Agreement with the Municipal Energy Agency of Nebraska and Consent to the Amendment of Exhibit D. This item was discussed at last week's Work Session meeting.

Councilor Harriman introduced Resolution No. 8, Series 2006, and it was read by title only by the City Attorney.

Councilor Harriman moved and Councilor Nesbitt seconded the motion that Resolution No. 8, Series 2006, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AUTHORIZING THE CITY TO REMAIN A TOTAL REQUIREMENTS PURCHASER UNDER THE SERVICE SCHEDULE M TOTAL POWER REQUIRMENTS POWER PURCHASE AGREEMENT WITH THE MUNICIPAL ENERGY AGENCY OF NEBRASKA AND CONSENT TO THE AMENDMENT OF EXHIBIT D AS OUTLINED HEREIN**, be introduced, read, passed and adopted this 12th day of September, 2006.

Roll call vote, yes: Nesbitt, Houck, Harriman, Ferguson, Miller. So carried.

Roll call vote, no: None.

Resolution No. 9, Series 2006; Re: Allowing the Withdrawal of the "Tomichi Creek Addition" Annexation Petition. This item was discussed at last week's Council Work Session.

Councilor Harriman introduced Resolution No. 9, Series 2006, and it was read by title only by the City Attorney.

Councilor Harriman moved and Councilor Nesbitt seconded the motion that Resolution No. 9, Series 2006, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING AND ALLOWING THE WITHDRAWL OF A PETITION FOR ANNEXATION UNDER THE NAME “TOMICHI CREEK ADDITION” FILED BY GARFIELD INVESTMENTS, INC., L. RICHARD BRATTON, AND DONNA R. BRATTON**, be introduced, read, passed and adopted this 12th day of September, 2006.

Roll call vote, yes: Houck, Harriman, Ferguson, Miller, Nesbitt. So carried.

Roll call vote, no: None.

Resolution No. 10, Series 2006; Re: Colorado Ballot Amendment 38

Councilor Harriman introduced Resolution No. 10, Series 2006, and it was read by title only by the City Attorney.

Councilor Harriman moved and Councilor Miller seconded the motion that Resolution No. 10, Series 2006, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, URGING THE CITIZENS OF GUNNISON TO EDUCATE THEMSELVES AND THEN OPPOSE THE BALLOT ISSUE KNOWN AS “PETITIONS” AMENDMENT 38 TO THE COLORADO CONSTITUTION IN THE COLORADO GENERAL ELECTION ON NOVEMBER 7, 2006**, be introduced, read, passed and adopted this 12th day of September, 2006.

Roll call vote, yes: Harriman, Ferguson, Nesbitt, Houck. So carried.

Roll call vote, no: Miller.

Councilor Miller stated he doesn't want to tell people how to vote.

City Attorney: Rod Landwehr. Informed Council the foreclosure Sheriff's sale on the South Boulevard property will take place on October 19, 2006. The public notice on the sale will start this Thursday.

City Manager: Ken Coleman. Was out of town.

Acting City Manager: Public Works Director Ken “Tex” Bradford. Director Bradford informed Council the paving on New York Avenue should take place this Friday. The asphalt plant has broken down several times. The paving on East Spencer Avenue will take place next week and the bike path after that. Council and Director Bradford discussed pedestrian problems on New York Avenue and the lack of sidewalks. There could be a problem when traffic is diverted off Highway 50 due to construction projects.

City Clerk: Gail Davidson. Reminded Council they will start their Work Session meeting next week at 5:00 PM and a light supper will be provided.

Non-Scheduled Citizens:

Richard Karas, County resident, informed Council about an article in the paper on the number of ore trucks that will be using Highway 50 from Western Colorado to the Canon City area. Mr. Karas asked the City to see what levers could be used to stop the 150 trucks per day scheduled to be coming through town. They will pose a traffic hazard to vehicles and pedestrians, will increase noise and will place wear on the City's streets. Mayor Ferguson informed Mr. Karas a letter had already been sent to CDOT outlining these City concerns. There was a very short comment period allowed.

Ralph “Butch” Clark, City resident, talked to Council about the West Wide Utility Corridor Project. This will include high voltage power lines and pipelines through a corridor from Montrose through the Monarch Pass area. It is a large Federal project and the City needs to look at the number of construction trucks and the impact on Highway 50 and the City.

General Discussion/Items for Work Session:

Councilor Harriman: Report on Planning & Zoning Commission Meeting. The Commission met last week and after discussion approved the Van Tuyl Village preliminary plan.

Councilor Nesbitt: Report on Tourism Association Meeting. Councilor Nesbitt reported on the following: the United and Frontier Airlines in-flight promotions, the Trek Team was in the area 2 weeks ago; CBMR has announced a Kids Fly Free program on United; the Club Med pull-out and how that might effect tourism, concern over the Grand Lodge closure; discussion on Mt. Emmons and what involvement the Tourism Association Board should take; a group of German writers are coming to the area; and there will be 17,000 CBMR lift tickets given away on the opening night of the Nuggets in Denver. Mayor Ferguson stated the TA Board is to be commended for using caution on involvement in the Mt. Emmons political issues. Councilor Nesbitt also stated he has been approached by neighbors on 12th Street and would like to meet with Director Westbay on the issues. Director Westbay agreed to meet.

Councilor Houck: Stated he will be meeting with Scott Truex from the RTA and Mary Burt on the Immigration Committee to get up to speed on those committees.

Councilor Miller: Nothing further to report.

Mayor Ferguson: He attended the Events Coordinator evaluation last week. Ms. Palmer has accomplished a lot in six months. The committee is outlining opportunities to pursue and goals will be addressed. It is suggested the program be continued into the next budget year.

Adjournment: At 8:51 P.M.

Mayor

City Clerk